

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DONALD GREEN,

Petitioner,

v.

L.S. McEWEN, Warden,

Respondent.

Civil No. 10-2516 JLS (JMA)

**ORDER SUA SPONTE SUBSTITUTING
RESPONDENT**

At the time of filing, Petitioner was apparently housed at Calipatria State Prison and thus named L. S. McEwen, Warden, as Respondent. Based on the notice of change of address Petitioner submitted to the Court on July 11, 2011 [return address on a letter dated July 7, 2011 from Petitioner to the Court], it appears Petitioner is no longer housed at Calipatria State Prison; rather, it appears he is presently incarcerated at California State Prison- LAC in Lancaster, California.

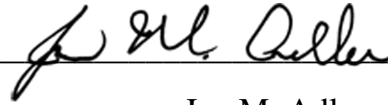
A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner's place of custody has changed, so has his custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution of Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of "L.S. McEwen." *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th

1 Cir. 1996) (stating that the respondent in § 2254 proceedings may be the chief officer in charge
2 of state penal institutions).

3 The Clerk of the Court shall modify the docket to reflect “Matthew Cate, Secretary” as
4 respondent in place of “L. S. McEwen.”

5 **IT IS SO ORDERED.**

6 DATED: July 26, 2011



7 Jan M. Adler
8 United States Magistrate Judge
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